

16 NOV 1981

COMMENTS ON ISOO DRAFT OF EXECUTIVE ORDER

A. Page 8, Section 1-303

OK Change to read "Unauthorized disclosure of foreign government information, cryptologic information, or information relating to intelligence activities (including special activities), or intelligence sources or methods, is presumed to cause damage to the national security."

B. Page 9, Section 1-501

✓ Change to read "At the time of original classification the following shall be shown on the face of all classified documents or clearly associated with other forms of classified information in a manner appropriate to the media involved:"

The parenthetical expression in 1-501(a) and 1-501(b) must appear in the main paragraph of 1-501 in order to cover all the markings. There are circumstances in which any U.S. marking at all would reveal a confidential relationship.

C. Page 16, Section 3-301

Move last sentence into a new Section 3-303.

D. Page 17, add Section 3-304

Partially included in new Section 3-203 { 3-304. Guidelines and procedures established pursuant to this section shall be used by the Archivist of the United States and upon approval of the issuing authority, any Agency having custody of the information.

E. Page 17, Section 3-401(b)

✓ Add "document or material containing the" in front of the word "information".

This increases the requirement for specificity by requesters under mandatory review. (The definition for "information" in Section 6-102 does not serve the same purpose.)

F. Page 20, Section 4-101

OK Add "Agency heads shall issue and maintain minimum investigative standards that must be satisfied before access to classified information is permitted."

Disparities and misunderstandings between agencies on what their standards are would be minimized if this Executive order required them to be stated.

G. Page 21, Section 4-201

Add after Director of Central Intelligence, "who shall ensure the establishment of common security, access, dissemination and control standards for such programs."

H. Page 21, Section 4-202

Delete entire section.

OK
This requirement is unclear, unnecessary and burdensome.

I. Page 27, Section 5-402(a)

?
Change to read "knowingly, willfully or negligently, and without proper authority, disclose to unauthorized persons information properly classified under this Order or predecessor orders."

J. Page 28, Section 5-404

OK
Change last sentence to read "Each shall ensure that the Director of the Information Security Oversight Office is periodically informed of violations under Section 5-402(a) or (b)."

K. Page 30, add Section 6-107

OK
6-107. "Cryptology," for the purposes of this Order, means cryptography and communications security.

This definition reflects the current Intelligence Community understanding that the Director of Central Intelligence is responsible for the portion of intelligence sources and methods known as signals intelligence (SIGINT) and the Secretary of Defense is responsible for communications security (COMSEC) matters.

L. Page 30, add Section 6-108 and 6-109

OK
6-108. "Unauthorized disclosure" includes either a communication or physical transfer of classified information to an unauthorized person.

6-109. "Unauthorized persons" are those who do not have both a current security clearance for access to the level of classified information involved and a specific, identifiable need for access to the information involved in order to accomplish an official and authorized government purpose.